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with knowledge that the former policy had been issued to him personally. *Held*, that the son could not recover on the former policy, though he did not know that at the time it was in existence, since the mistake was one as to his legal rights. The thing to be known was whether the policy had been legally issued and not its continued physical existence. *Held*, further, that if company's agent had told the son that the former policy had never been issued, but gave him full access to the books, he was chargeable with notice of the issue of the former policy, since an ordinarily prudent man could have apprised himself of the fact.

Interstate Commerce—Regulations.—People v. Warden of City Prison, 50 N. Y. Supp. 56. The laws of New York prohibit the sale of tickets by persons not the authorized agents of the carriers, and empower the purchase by the agents of given lines of tickets over other lines for through transportation. *Held*, that these laws are valid and are not an attempted regulation of interstate commerce. They do not in any way affect the fact of transportation or interfere with a passenger seeking to make a contract of transportation, but are merely an exercise of the police power for the protection of travellers.

Divorce.—Olson v. Olson, 74 N. W. (Wis.) 543.—A judgment of divorce on the ground of desertion, which was for the interest of both parties, will not be disturbed where there is evidence to the effect that the defendant was compelled to leave the plaintiff by reason of his cruel and inhuman treatment, but the answer fails to allege such fact or any fact as counter-claim.

Legal Tender—Mutilated Bank Note.—North Hudson County Ry. Co. v. Anderson, 39 Atl. Rep. (N. J.) 905.—Plaintiff brought suit for damages for being ejected from defendant's car, claiming that he tendered the conductor a dollar bill, from which a piece one inch and a quarter by one inch and a half had been torn on the upper left-hand corner. *Held*, not a valid tender, as there was absent a part of the bill by which the conductor might be aided in determining its genuineness. The rules of the Treasury Department with regard to the redemption of mutilated notes relate simply to redemption, and do not make such notes legal tender. The case is distinguished from that of *R. R. Co. v. Morgan*, 52 N. J. Law 60, 18 Atl. 904, when a genuine silver coin, worn smooth by use, was held to be a legal tender.

Wills—Construction—Lapse of Legacies—Religious Bequests—Validity.—Kerrigan v. Taft et al., 39 Atl. Rep. (N. J.) 701. *Held*, that a legacy to a priest, to be expended for masses for the repose of testatrix's soul, is a charitable, and not a superstitious use, and valid under the Federal and State constitution relating to freedom of conscience and religious belief. Const. U. S. Amend. I.; Const. N. J., Art. I., §§ 3, 4. Such a legacy creates a trust, which does not lapse on the death of the trustee before the testatrix, but will be carried out by the appointment by the court of another trustee. Compare to the same effect, *Hoefler et al. v. Clogan et al.* (Ill.), decided February 14, 1898; and *In re Zimmerman's Will*, 50 N. Y. Supp. 395. For a case upholding such a bequest on the ground that it was an absolute gift, and not a trust which was void for uncertainty of beneficiaries, see *Harrison v. Brophy et al.* (Kan.), cited on p. 279, Vol. VII., YALE LAW JOURNAL.

National Banks—Assessments—Enforcement.—Hulitt v. Bell, 85 Fed. Rep. 98. An assessment on notice from the comptroller of the currency in accordance with Rev. St., § 5205, is optional with the corporation, and is for